

GREGORY STESHENKO

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November 2, 2014

Hon. Magistrate Judge Paul Singh Grewal
U.S. District Court for the Northern District of California
280 South 1st Street, Courtroom 4 - 5th Floor
San Jose, CA 95113

Re: Discovery in 5:09-cv-05543-RS

Dear Judge Grewal:

As perhaps you know, on April 1, 2014 this Court appointed Plaintiff's pro bono counsel in this case. On July 2, 2014, pro bono counsel conducted a Rule 30(b)(6) deposition of Defendant Dorothy Nunn designated to testify on behalf of Cabrillo College.

During that deposition, Nunn testified about a presentation created by Barbara Johnson, an employee of Cabrillo College, that describes methodology and reliability of Defendants' presented data that were used by Plaintiff's forensic expert to compute Plaintiff's pecuniary damages. As expected, Defendants are attacking reliability of their own data, hence Johnson's presentation is very important.

At the deposition, Plaintiff's counsel immediately requested Defendants to produce Johnson's study. Defendants' counsel John Shupe promised to do it shortly (see pages 43-43 of Nunn's 30(b)(6) deposition).

Yet, he never did. Plaintiff's pro bono counsel never followed thorough with him on that promise, and then withdrew on September 2, 2014. Only on October 16, 2014, Plaintiff, now acting pro se, discovered that the promise was made and the document has never been produced. Since then, Plaintiff has been engaged in meet and confer events with Defendants' counsel Shiu and Shupe, during which they repeatedly promised to produce the document. As of today, the document has not been produced.

Wherefore, I'm asking for your permission to file a motion to compel production of evidence.

Honorable Judge Grewal
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Sincerely,

A handwritten signature in black ink that reads "Gregory Steshenko". The signature is fluid and cursive, with "Gregory" on top and "Steshenko" below it.

Gregory Steshenko, Plaintiff